

# *Using Muscle to Improve Health Care for Prisoners*



John Holgon's blood is taken during medical screening in a gymnasium turned into a health care area at a prison in Chino, Calif.

Monica Almeida/The New York Times

**By Solomon Moore**

Aug. 27, 2007

SAN JOSE, Calif. — Last year, shortly after receiving extraordinary powers to overhaul the medical system in California's prisons, Robert Sillen, armed with a stack of court papers, issued a blunt warning to cabinet officials at the governor's office in Sacramento.

"Every one of you is subject to being in contempt of court if you thwart my efforts or impede my progress," said Mr. Sillen, a silver-haired former hospital administrator chosen to carry out the overhaul of the prison medical system as the result of a class-action suit brought by a prison advocacy group.

Backing up his warning, Mr. Sillen handed out copies of a federal court order that named him the health care receiver for the California prison system.

In a subsequent warning, Mr. Sillen threatened to "back up the Brink's truck" to the state's treasury, if need be, to finance better medical services for the state's 173,000 inmates.

State figures show that court-ordered changes to California's prison system, including those in Mr. Sillen's health care domain, have cost more than \$1.3 billion, and the meter is still running.

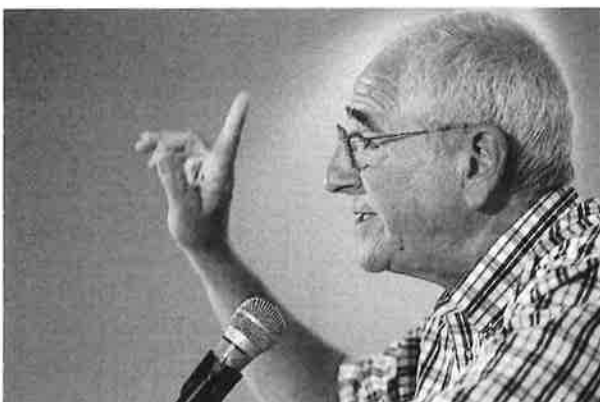
For decades, California officials have tried to bring order to the state's prison system, which is the largest in the nation. There have been lawsuits, special legislative committees and a declaration of a state of emergency by Gov. Arnold Schwarzenegger, but never has one person attacked a problem, piece by piece, with such blunt force and disregard for political convention as Mr. Sillen has the prison system.

Mr. Sillen, whose \$500,000 annual salary puts him among California's highest paid public officials, said he had never visited a prison or thought much about the penal system until a recruiter called last year to persuade him to accept what the recruiter called a "mission impossible."

Now he has the power to hire, fire, raise salaries, build facilities, waive laws, tap the state treasury and have jailed any bureaucrat who tries to thwart him.

"In my opinion, Robert Sillen is not going to be happy until he's running the entire prison system," said a state assemblyman, Todd Spitzer, an Orange County Republican and one of Mr. Sillen's detractors. "He's a man who has utter disdain for the legislature despite the fact that we're the appropriate body for budgeting."

Mr. Sillen asked the federal courts last month to take on the costly — and politically contentious — task of reducing California's prison population, including the early release of some felons.



Robert Sillen, appointed as federal receiver for prisons, speaking to the Sacramento Press Club in July.  
Peter DaSilva for The New York Times

The appointment of Mr. Sillen as federal receiver in February 2006 resulted from a class-action lawsuit brought by the Prison Law Office, an advocacy group based at San Quentin. A federal court in the suit found an average of 65 preventable inmate deaths a year in the prison medical system, which the court ruled was tantamount to cruel and unusual punishment.

The California prison medical system was the biggest state agency ever ordered to be taken over by a federal court. The takeover was the most aggressive of several federal interventions into dysfunctional prison operations in California in the past 12 years. The federal courts also involved themselves in the prison system's mental health, dental care, access for disabled inmates and juvenile detention operations, and in the use of force by corrections officers.

Mr. Sillen, 64, had been the executive director of the Santa Clara County Valley Health and Hospital System. Since beginning his new duties in May 2006, he has attracted hundreds of new employees to the prison medical work force. The medical staff had been experiencing a 20 percent vacancy rate, but Mr. Sillen raised salaries, in some cases by as much as 64 percent. He has siphoned off so many clinicians from other public health agencies that some now face shortages.

Mr. Sillen's critics say that he has an authoritarian streak that has led him to wrest more control than he was given in his appointment by the court. Most troubling to some of his opponents is Mr. Sillen's acknowledgment that he has no idea how long the changes will take or what they will cost.

The Prison Law Office filed a complaint in federal court in June saying that Mr. Sillen's plans have "no concrete details of how any of the goals or objectives are to be accomplished, no real timelines and no metrics."

In an interview in his office in San Jose, Mr. Sillen dismissed the group's assertions. "When people ask me how long and how much," he said, "I have a stock answer: Long. Much."

Mr. Sillen speaks in rapid-fire, thrust-and-parry sentences often punctuated with profanity. He said his confrontational approach and broad federal powers were essential in trying to turn around an agency that had repeatedly failed to comply with court-ordered changes.

In a response to a demand by state lawmakers that he abide by state budgeting rules, Mr. Sillen wrote in a letter to the California Department of Finance last year that California's appropriation process was "an immense waste of time (read taxpayer dollars) for little, if any, redeeming value" and that he felt "neither compelled nor obligated" to abide by state budget requirements.

Mr. Sillen says California politicians are reaping what they have sown. He attributed the state's prison problems to tough-on-crime lawmakers who made political hay out of sentencing laws that filled the state prisons without expanding either the facilities or their services.

He has a standard diatribe concerning the criminal justice system that includes issues like the neglect of poor neighborhoods and the lack of alcohol treatment programs.

"I wouldn't even be here if it weren't for the politics," Mr. Sillen said. "No one gets elected in Sacramento without a platform that says, 'Let's get rid of rapists, pedophiles and murderers.' "

Mr. Sillen says he has no need to curry public favor because he is backed by the federal court. He adds that, although few will say so publicly, his mission has given some politicians the political cover to embrace changes that might otherwise have been deemed too soft on crime.

Aides to Mr. Schwarzenegger, a Republican, said the threat of further court intervention was used to enact a \$7.7 billion prison plan in April. The law will expand capacity by means of new construction and the transfer of 8,000 inmates to private facilities outside California.

Mr. Sillen, however, was unimpressed. Having made the governor aware of the need for new prison medical facilities, Mr. Sillen carved \$1 billion out of the plan for his own projects and publicly criticized the expansion of prison space without adequate budgeting for medical workers.

After 15 months on the job, Mr. Sillen acknowledges that sick prisoners still suffer in ways deemed unconstitutional by the federal court and points to recent deaths as an indication of a long road ahead. In one case, Jonathan J. Smith, 32, a quadriplegic serving time for armed robbery, died while shackled in a prison van. The van, which had no air-conditioning and no medical staff, became lost for five hours last summer while returning to Centinela State Prison in Imperial County after a doctor's appointment. Temperatures reached 109 degrees that day, contributing to Mr. Smith's death, according to corrections officials.

In another case, a child molester, Melvin Fergerson, 61, died in December in his infirmary cell at Avenal State Prison. Prison officials said that Mr. Fergerson, who suffered from heart disease, had sat naked and nearly motionless for two days before his death.

Those incidents were among 552 inmate deaths in the prison system since 2006, according to the most recent state figures. Of those deaths, 161 warranted investigation of potential poor medical practices, according to an internal report. The report marked the first time in years that state officials had conducted thorough reviews of prisoner fatalities.

The poor state of medical care in California's prisons was evident in the West Block clinic at San Quentin, the state's oldest penitentiary and the first to be visited by Mr. Sillen. "It was unclean, it was unkempt, and there were no sinks, no phones, no faxes, no way to communicate, no nothing," Mr. Sillen said. "And that's the clinic. It was just worse than Third World conditions."

Mr. Sillen announced that he would put San Quentin "under a microscope" and began a three-month program to address the problems.

He has since built a \$1.6 million triage center and has broken ground on a larger, \$150 million medical center, but the West Block clinic is such a low priority that it is still in the same small dirty room at the back of a prison gymnasium that had been converted into a dormitory to relieve overcrowding.

Women who work there as nurses avert their eyes as they pass 380 inmates who are lounging on rows of double bunk beds, standing in open showers or sitting on exposed toilets that line one wall of the former gymnasium.

A doctor who visits three times a week sits at a desk next to a toilet. He treats some 80 to 100 inmates each visit and cleans his hands with antibacterial sanitizer. There is still no sink.